

REMARKS

After entry of the subject amendment, claims 1, 2, 5, 7, and 9-16 remain in the application with claims 1, 9, and 16 in independent form. More specifically, claims 1 and 2 have been amended, claims 3, 4, 6, and 8 have been cancelled, and claims 9-16 have been added to the application. There is full support in the specification as originally filed for the amendments and for the added claims. Accordingly, no new matter has been introduced.

Claims 1, 2, 5, and 7 are indicated as allowable by the Examiner. The Applicant accepts the allowance of these claims. For the Examiner's convenience, claims 1 and 2 have been amended simply for clarification purposes to clarify that it is the metal salt that is electrically neutral. The clarifying amendment to claims 1 and 2 does not change the scope of the allowed claims and does not affect the indicated allowability.

The 35 U.S.C. § 112 rejections of claims 3, 4, and 8 and the 35 U.S.C. § 102(b) rejections of claims 6 and 8 are all moot in view of the cancellation of claims 3, 4, 6, and 8.

The Applicants respectfully assert that newly added claims 9-16 are also allowable. As the Examiner is aware, independent claim 1 was previously amended to call for the inclusion of the metal salt in the alkoxylation reaction when forming the polyether alcohol, i.e., in the reaction of the alkylene oxides onto the H-functional initiator substances. The newly added claims simply focus on the more preferred embodiment involved in the subject invention where the metal salt is present in the polyurethane-forming reaction, i.e., the reaction of the polyisocyanate and the compound containing at least two active hydrogen

atoms. Support for these added claims can be found throughout the original specification, especially page 5, lines 1-22.

More specifically, newly added independent claim 9 requires that the metal salt be present in the polyurethane-forming reaction *and that the metal salt be in solution in this reaction* and newly added independent claim 16 requires that the polyether alcohol include the metal salt and that the metal salt *be dissolved in* the polyether alcohol. In addition to focusing on the preferred embodiment, these independent claims incorporate the additional claim elements that require the metal salt to be in solution in the polyurethane-forming reaction or actually dissolved in the polyether alcohol to further clarify and emphasize that the claimed metal salt is not inert and must be at least partially solubilized to be chemically-active and effectively participate in the reaction as an accelerator, i.e., a co-catalyst, for the purpose of increasing the reactivity of polyether alcohols that have been catalyzed by means of multimetal cyanide catalysts. The focus on the solubility of the metal salt during the reaction or in the polyether alcohol itself so that the metal salt can actively participate in the chemical reaction, i.e., urethane-forming reaction, is supported by the fact that the metal salts of the subject invention are typically only used in very small concentrations, e.g. from 0.1 to 50 ppm (*see, for example, dependent claims 5 and 13*).

In contrast, in Higuchi et al. (United States Patent No. 5,124,425), although the calcium carbonate is technically present with the polyol (as in the Examples), it is merely used as an anti-sagging agent (see column 4, lines 52-54 and the Examples) for the final product. That is, the calcium carbonate is merely used as a supplemental additive to improve certain physical characteristics of the final product, such as sag resistance. The calcium carbonate is, therefore, chemically inert and does not effectively participate in the

urethane-forming reaction as an accelerator for increasing the reactivity of DMC catalyzed polyether polyols. To improve the sag resistance of the final product, Higuchi et al. utilizes very large concentrations of the calcium carbonate relative to the amount of the polyol (100 parts polyol : 203 parts calcium carbonate; 100 parts polyol : 198 parts calcium carbonate, 100 parts polyol : 50 parts calcium carbonate, etc.). As such, the calcium carbonate disclosed in Higuchi et al. is not in solution in the polyurethane-formation reaction nor is the calcium carbonate disclosed in Higuchi et al. dissolved in the polyether alcohol. Further evidence of the insolubility of the calcium carbonate utilized in Higuchi et al., beside the extreme concentrations of calcium carbonate, is that some of the other anti-sagging agents are aluminum stearate, calcium stearate, zinc stearate, and fine silica powder which are all well known in the art powders that are primarily, if not completely, insoluble.

In view of the remarks set forth above, it is respectfully submitted that newly added independent claims 9 and 16 are distinguishable over the prior art of record and are allowable. Furthermore, the other added claims, specifically claims 10-15, depend directly from independent claim 9 such that these claims are also allowable.

It is respectfully submitted that the application is now presented in condition for allowance, which allowance is respectfully solicited. Further, favorable reconsideration of the outstanding office action is hereby requested.

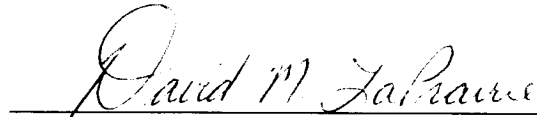
The Commissioner is authorized to charge our deposit account no. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

September 5, 2003

Date

A handwritten signature in cursive script, reading "David M. LaPrairie", is written over a horizontal line.

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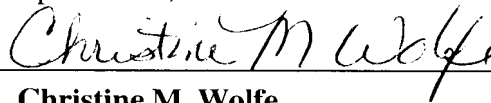
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CERTIFICATE OF MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner of Patents, MAILSTOP AMENDMENT - FEE, PO Box 1450, Alexandria, VA 22313-1450, on September 5, 2003.

A handwritten signature in cursive script, reading "Christine M. Wolfe", is written over a horizontal line.

Christine M. Wolfe